

City Council
Atlanta, Georgia

06-O-1796

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-77
Date Filed: 7-10-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1332 Metropolitan Parkway, S.W.,** be changed from R-4 (Single-family Residential) District to the MRC-3-C (Mixed Residential Commercial- Conditional) District, to wit:

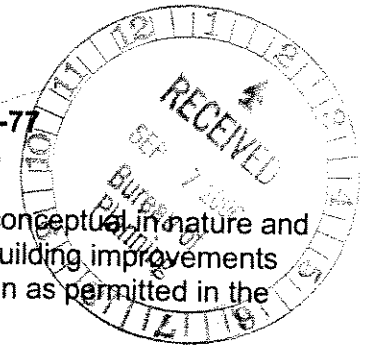
ALL THAT TRACT or parcel of land lying and being Land Lot 88, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Zoning Conditions for 1332 Metropolitan Pkwy SW; Z-06-77



1. Building footprints, including their orientation and configuration on the site are conceptual in nature and may be changed, reoriented and reconfigured except that building edges and building improvements above grade may not be any closer to the exterior perimeter property lines than as permitted in the MRC zoning regulations.
2. For new construction, the top of the building parapet or parking structure will not be at a higher absolute elevation than the top of the existing circa 1927 church building.
3. Maximum floor area ratio for residential and non-residential uses shall not exceed 1.696.
4. Developer shall use developer's best efforts to advocate to the City of Atlanta for marking of additional parallel parking spaces along Erin Ave.
5. Walkways and other connective measures shall be designed to connect and unify the property with existing and planned walkways within the overall Metropolitan Pkwy corridor.
7. Signs shall be posted notifying the public at least forty-eight (48) hours in advance of any blasting, or other such loud demolition work.
8. Developer shall use its best efforts, subject to government approval, to keep sidewalks open during construction. At such times as access to sidewalks which are located along the Metropolitan Pkwy, Erin Ave, and Manford Rd frontages are temporarily closed due to construction of this development, such closure shall comply with Atlanta City Codes regarding sidewalk closure, including, in particular, the signage requirements of Section 138-65 and 138-67.
9. Developer shall use developer's best efforts to implement, subject to necessary governmental approval, plans for each curb cut, incorporating measures to indicate approaching crosswalks and pedestrian areas to vehicular traffic.
10. All dumpsters and service facilities shall be screened from street level.
12. There shall be no adult entertainment uses on the property.
13. These conditions of zoning shall be binding upon all successors and assigns of the applicant. The subdivision, sale, or partition of all or any of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning.
14. All of these narrative conditions will be attached to the zoning application submitted to the City of Atlanta.

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SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1332 Metropolitan Parkway, S.W.**, be changed from R-4 (Single-family Residential) District to the MRC-3 (Mixed Residential Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 88, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

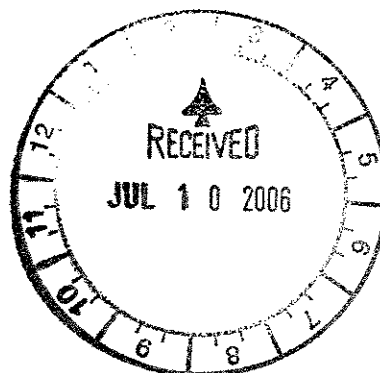
SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION

That parcel or tract of land lying and being in Land Lot 88, 14 District, Fulton County, Georgia, being Lots 7, 8, 9, 10, 11 and 12 of Capital View Subdivision per plat recorded in Plat Book 7 at page 114 and Lots 1, 2, 3, 4, 5, 6, 14 & 15 of Capital View Manor per plat recorded in Plat Book 11 at Page 178 and being in the name of Anchor Center, Inc., as acquired by deed recorded in Deed Book 16286 At Page 288, Deed cross referenced in Deed Book 18513 at Page 100, Deed of Correction recorded in Deed Book 19379 at Page 321, and Consent Verdict, Judgment and Final Decree as recorded in Deed Book 24140, Page 217, all among the land records of Fulton County, Georgia and being more particularly described as follows:

Beginning at the Intersection of the Easterly right-of-way limits of Metropolitan Parkway, SE (a 60' right-of-way) (formerly Stewart Avenue) and the Northerly right-of-way limits of Medford Road (a 50' Right-of-way);
thence along the said easterly right-of-way limits of Metropolitan Parkway North 00°04'07" East a distance of 309.67 feet to the southerly right-of-way limits of Erin Avenue (a 50' right-of-way);
thence along the said southerly right-of-way limits of Erin Avenue South 89°53'20" East a distance of 219.56 feet;
thence continuing 242.54 feet along a curve to the left having a radius of 843.00 feet, an interior angle of 16°29'05" and a chord bearing North 81°52'07" East a distance of 241.71 feet ;
thence continuing North 73°37'35" East a distance of 52.98 feet;
thence continuing 58.45 feet along a curve to the right having a radius of 40.00 feet, an interior angle of 80°-51'-18 and a chord bearing North 65°56'46" West a distance of 51.88 feet to the westerly right-of-way limits of Manor Place (a 50' right-of-way);
thence continuing South 25°31'07" East a distance of 41.99' to a nail set in a tree root;
thence departing the said westerly right-of-way limits South 60°05'21" West a distance of 132.38 feet to a P.K. Nail found;
thence continuing South 00°15'13" West a distance of 24.82 feet to an rebar, found;
thence continuing South 67°07'54" West a distance of 89.96 feet to a rebar, found;
thence continuing South 80°06'53" West a distance of 40.12 feet to a xxx, found;
thence continuing South 79°50'19" West a distance of 40.06 feet to a xxx, found;
thence continuing South 05°41'44" East a distance of 161.82 feet to the northerly right-of-way limits of the said Medford Road;
thence continuing along the said northerly right-of-way limits of Medford Road 22.87 feet along a curve to the right having a radius of 278.52 feet, an interior angle of 04°44'18" and a chord bearing North 87°59'37" East a distance of 22.86 feet;
thence continuing North 89°38'14" West a distance of 291.99 feet to the point of beginning,
Containing 127,062 Square feet or 2.92 acres of land, more or less.



RCS# 481
8/21/06
4:05 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 06-O-1790 THRU 06-O-1811 (1-22)

REFER

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE